

REMARKS

Except as discussed below, Applicants are amending the claims to correct informalities therein.

Applicants will address each of the Examiner's rejections in the order in which they appear in the Office Action.

Claim Rejections - 35 USC §103

In the Office Action, the Examiner rejects Claims 68-78 under 35 USC §103(a) as being unpatentable over Shimada et al. (US 5,805,252) in view of Hirota et al. (US 5,926,240) and further in view of Kitahara et al. (US 4,636,038). This rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending Claims 68 and 71-78.

In particular, Applicants are amending independent Claim 68 to recite the features of the first dielectric layer having a first refractive index and the second dielectric layer having a second refractive index "wherein the second refractive index is higher than the first refractive index; wherein the second refractive index is in a range of 1.8 to 6.0; and wherein the first refractive index has a ratio of 0.7 or less with respect to the second refractive index." This feature is supported throughout the present application. It is respectfully submitted that none of the cited references disclose or suggest these features of independent Claim 68.

Applicants are also amending independent Claim 71 to recite the features of the "second insulating film having a leveled surface; a pixel electrode formed over the leveled surface, a surface of said pixel electrode having a plurality of protrusions; a first dielectric layer formed over the

plurality of protrusions; a second dielectric layer formed on the first dielectric layer, wherein said second dielectric layer has a different refractive index from said first dielectric layer.” These features are supported by, for example, Fig. 2B of the present application. These claimed features cannot be achieved even if Shimada, Hirota, and Kitahara were properly combined (which Applicants do not admit is proper). For example, the Examiner contends that Shimada discloses a pixel electrode 38 having a plurality of protrusions. However, as the Examiner admits, electrode 38 is formed over an insulating film 42 having a plurality of bumps 42a. Hence, at the very least, Shimada does not disclose or suggest a second insulating film having a leveled surface and a pixel electrode formed over the leveled surface, as in independent Claim 71. None of the other references disclose or suggest this feature, especially in combination with the other features of the claim.

Applicants are also amending independent Claim 76 to recite the features of the “second insulating fm having a first leveled surface; a pixel electrode formed over the first leveled surface, a surface of said pixel electrode having a plurality of protrusions comprising an oxidation film; a first dielectric layer having a second leveled surface formed over the plurality of protrusions; a second dielectric layer formed on the second leveled surface of the first dielectric layer, wherein said second dielectric layer has a different refractive index from said first dielectric layer.” These features are supported by, for example, Fig. 2C of the present application. These claimed features also cannot be achieved even if Shimada, Hirota, and Kitahara were properly combined (which Applicants do not admit is proper).

Therefore, the cited references, even if combined, do not disclose or suggest independent Claims 68, 71 and 76 and those claims dependent thereon, and Claims 68-78 are patentable over the cited references. Accordingly, it is respectfully requested that this rejection be withdrawn.

Double Patenting

The Examiner also rejects Claims 42-43, 47-53 and 57-64 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of US 6,426,787 and over Claims 1-36 of US 6,707,521. These rejections are respectfully traversed.

Initially, it is noted that a terminal disclaimer over the '787 patent with a terminal disclaimer fee was previously filed in this application on June 7, 2005 (received by the Patent Office on June 13, 2005). No further terminal disclaimer is needed over the '787 patent. Accordingly, it is respectfully requested that the double patenting rejection over the '787 patent be withdrawn.

While Applicants traverse the rejection over the '521 patent, in order to advance the prosecution of this application, Applicants are filing herewith a terminal disclaimer over the '521 patent and terminal disclaimer fee. Accordingly, this rejection has been overcome, and it is respectfully requested that the rejection be withdrawn.

New Claims

Applicants are also adding new dependent Claims 79 and 80. As these are dependent claims, they are allowable for at least the reasons discussed above for the independent claims. Accordingly, it is respectfully requested that these new claims be entered and allowed.

If a fee should be due for these new claims, please charge our deposit account 50/1039.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, the terminal disclaimer, or the new claims, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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